

2016



## Movement of Cash and Negotiable Instruments

*An analysis of the extent of the anti-money laundering & counter-financing of terrorism measures which exist amongst CFATF member countries to address the issue of the movement of cash and negotiable instruments.*



**CFATF – Risk Trends & Methods Group**

**MAY 2016**



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## ACRONYMS

<b>AML</b>	Anti-money laundering
<b>BNIs</b>	Bearer negotiable instruments
<b>CDD</b>	Customer due diligence
<b>CFT</b>	Counter Financing of Terrorism
<b>CFATF</b>	Caribbean Financial Action Task Force
<b>CRTMG</b>	CFATF's Risks, Trends and Methods Group
<b>FATF</b>	Financial Action Task Force
<b>FIU</b>	Financial Intelligence Unit
<b>TF</b>	Terrorist Financing
<b>LEAs</b>	Law Enforcement Agencies
<b>ML</b>	Money Laundering
<b>MOU</b>	Memorandum of Understanding
<b>BNIs</b>	Bearer negotiable instruments (BNIs) <sup>1</sup> <i>includes monetary instruments in bearer form such as: traveler's cheques; negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery; incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee's name omitted.)</i>
<b>FI</b>	Financial Institution
<b>SOP</b>	Standard Operating Procedure
<b>MCNI</b>	Movement of Cash and Negotiable Instrument

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<sup>1</sup> As defined by the FATF Methodology 2013

## EXECUTIVE SUMMARY

The movement of cash and negotiable instruments through land, sea and air, for various purposes including money laundering and financing of terrorism, has been a time tested custom.

Despite the strengthening of countries AML/CFT regimes, owing to the advent of the Financial Action Task Force's (FATF) AML/CFT Standards persons, including criminal elements, continue to exploit all available methods in the conduct of their illegal and legitimate activities, with the physical movement of cash and negotiable instruments being no exception.

Criminal organizations move their illicit funds for money laundering purposes by using the financial system, the physical movement of money including bearer negotiable instruments (BNI) and fraudulent trading arrangements.

The FATF's Recommendation 32 on Cash Couriers requires countries to implement measures for incoming and outgoing cross-border transportation of currency and bearer negotiable instruments, including a declaration system or other disclosure obligations. This Recommendation also requires countries to ensure that their competent authorities have the legal authority to stop or restrain currency or bearer negotiable instruments that are suspected of being related to terrorist financing or money laundering or that are falsely declared or disclosed whether by travelers, through mail, cargo and any other modes of transportation.

Countries should also ensure that effective, proportionate and dissuasive sanctions are available to deal with persons who make false declarations and disclosures, as well as carrying out a physical cross-border transportation of currency or BNIs that are related to ML/TF or predicate offences. In cases where the currency or BNIs are related to terrorist financing or money laundering or predicate offences, countries should also adopt measures, including legislative ones which would facilitate the application of criminal, civil or administrative; and other measures consistent with Recommendation 4, that would enable the confiscation of such currency or BNIs.

### 1. Scope & Extent

This project sought to gain a greater understanding of the characteristics and methods used via this channel; the demographics of the persons involved; the legislations enacted by various jurisdictions in response to this activity; enforcement capabilities of key local authorities; analysis of the successes; challenges with the combating abilities of these domestic authorities and recommendations aimed at ensuring that identified vulnerabilities are effectively mitigated. The team was also tasked to gather information on current practices in the various countries and the capacities of these countries to detect and combat cash courier-based money laundering and the financing of terrorism.

#### 1.1. Background

By decision made at the November 2014 Plenary of the CFATF, the CFATF's Risks, Trends and Methods Group (CRTMG) was mandated to develop a regional report on typologies related to the Movement of Cash and Negotiable Instruments and the effects that these activities have on Money Laundering and Terrorist Financing.

A team comprising of the following countries namely Dominica, Anguilla, El Salvador, St. Vincent and the Grenadines, Guyana, St. Maarten, Antigua & Barbuda, British Virgin Islands, Trinidad & Tobago and British Virgin Island volunteered to participate as members of the project team in the execution of this project.

Cash and negotiable instruments transportation through the region was identified as a channel used for money laundering as a viable alternative to the formal banking system. This channel is not subjected to CDD requirements as applied by financial and non-financial institutions.

### 1.2. Scope and Objective

The information sourced focused on the ability of the CFATF member countries to detect and combat cash couriers for AML/CFT purposes.

In order to gather the data needed to gain a more comprehensive understanding of the extent of this activity, a detailed questionnaire was developed. The questionnaire was then used to collect information on the current practices of cash courier-based money laundering and the financing of terrorism in the CFATF region. This project sought to identify:

- The extent of enforcement within the CFATF region;
- The scope of legislation and other control measures in place among CFATF member jurisdictions;
- The concealment methods being employed;
- The characteristics of the persons doing the transporting;
- The origin, destination and application of the cash/negotiable instruments;
- Enforcement successes;
- Challenges faced in the implementation of policies to counter these activities;
- The key findings; and
- Recommendations required to address the problem.

### 1.3. Methodology for acquiring information

This report is predicated on an extensive analysis of the answers provided to a comprehensive questionnaire distributed to CFATF member jurisdictions. The questionnaire was used to gather information and data on national legislation, institutional arrangements and operational capacities in dealing with cash courier based money laundering.

Seventeen (17) countries submitted responses which were obtained in 2015 and 2016 respectively. The professionals and experts from the reporting countries who participated in the completion and submission of the questionnaire included Police Officers, Customs Officers, Legal Officers, Financial Investigators, Directors of Units, Detectives and Directors of Public Prosecution, Officers of the Office of

Economic and Financial Crimes, Counsel of the Attorney General Chambers and Director against Organized Crime.

The methodology employed resulted in the incorporation of a broad cross-section of views and policies from key stakeholders in the activities identified, the actions taken and the suggestive recommendations.

### 1.4. Methodology of analysis

The questionnaire consisted of 46 questions. There were multiple choice questions, free text questions, questions which required statistical data, questions which required a level of pre-analysis of the countries data prior to submission and yes/no questions.

It was based on six (6) pillars namely:

1. **Legal**-This pillar focused on the statutory framework which exists in respective jurisdictions and the varying sanctions which can be utilized by LEAs. It addressed topics such as threshold reporting, the need for court orders as a prerequisite to cash seizure, the existence of legislation which allows for criminal and or civil cash & BNIs seizure.

The questions were structured to gain insight into the varying types of sanctions which can be imposed for false declarations and or disclosures, failure to declare/disclose, sanctions applicable to instances of cash or BNIs being seized with a nexus to terrorist financing, the procedures adopted when cash and BNIs have been seized and the management (storage) of cash and BNIs post seizure.

2. **Counter Measures and Procedures**-Policy analysis was the focus of this pillar which allowed the country to detail the structure of the counter measures currently being utilized by LEAs in their respective countries. It sought to illicit information on the type of system (disclosure/declaration) which exists in the CFATF member countries, the primary and secondary authorities with responsibilities for enforcement of cash & BNIs seizures-as well as other ancillary agencies which may play a role, albeit a lesser role, in a country's overall enforcement mechanisms.

The survey sought to examine whether declaration forms were part of the respective jurisdiction's disclosure/declaration systems and the extent of the measures utilized in the storage of the information contained therein.

Cooperation and information sharing among all LEAs were also explored, in particular as it relates to of the data collected by intelligence and LEAs in the administration of this activity (cash & BNIs movement).

3. **Investigative and statistical Information**-This pillar focused on in-depth analyses of the couriers, demographics, characteristics, concealment methods, origin, destination and

application of the cash & BNIs, enforcement successes, volume of cash seizures, most prominent currencies utilized, gender of persons detained, prosecuted and convicted as well as their age groups.

4. **Information Sharing and Cooperation**-The extent of the national and international cooperation mechanism was examined by this pillar with a view to gaining insight into the mechanisms that are in place to facilitate cooperation among LEAs and other strategic allies.
5. **National Strategies and Challenges**-Countries were given the opportunity to freely explain the national strategies that have been implemented or are being considered to address this issue. Simultaneously, country views were received on the challenges encountered by some of the CFATF members in their enforcement efforts.
6. **Miscellaneous**-Finally, countries were allowed to provide any additional information not particularly captured by a specific question in the questionnaire. Countries could speak freely on any issue be it positive or negative that was pertinent to the survey being conducted.

The completed questionnaires were submitted online utilizing Google Forms which performed a high level pre-analysis of the data received. The free text questions however required analysis by project team members.

Pie charts and bar graphs were created automatically by the software with 100% accuracy resulting in a rich colorful illustration of data allowing for seamless comparison between linked questions.

## 2. ENFORCEMENT: CASE ANALYSIS

### 2.1. Methods Used

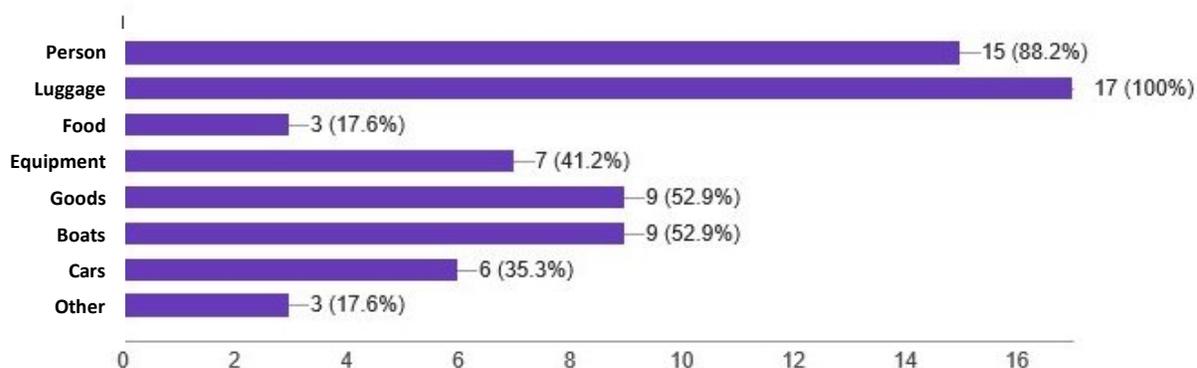
It is difficult to ascertain the true value of the quantum of funds being transported through our borders and the varied methods of concealment being utilized by persons. In many of the jurisdictions, law enforcement efforts are further impeded by the existence of porous borders and lack of human resources.

The characteristics and personality traits of the persons who engage in this activity are wide ranging, thereby complicating and frustrating the development of identification processes.

Many jurisdictions have adopted rigorous controls at their ports to regulate, police and mitigate the impact of the criminal activities associated with cash and BNIs movements through their respective borders.

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As a result of these controls, during the period January 1, 2011 to December 31, 2015, eight hundred and twenty (820) cases of persons detained whilst traversing through their ports carrying cash or other negotiable instruments have been recorded. 100% of the countries surveyed reported that the main concealment method utilized by persons caught has been concealment within their luggage. Eighty eight point two (88.2%) of all seventeen (17) jurisdictions surveyed reported that concealment of monies on the person was the second most popular method of concealment utilized. Concealment in goods and boats were the lower additional method employed.



**Table 1. Concealment methods**

It was discovered that drug trafficking was the primary criminal activity associated with the cases investigated by LEAs. Several other activities, some criminal others not, were found to be associated with cash and BNIs seized (**See Table 2. below**).

**Table 2. Cash & BNIs Associated Activities**

Cash & BNIs Associated Activities		
Cocaine	Kidnapping	Smuggling
Corruption	Tax Evasion	Organized Crime
Currency Smuggling	Stolen Goods Sales	Weapon Sales
Salary	Sale of Assets	Savings
Fraud		

**Table 2b. Cash & BNIs Associated Persons**

Cash & BNIs Associated Persons		
Visiting Returning Nationals	Business Persons	Students
Gamblers	Hotel Guests	Foreign Investor
Sea Passengers	Traders	

Varying explanations were proffered by detainees with respect to the purpose and application of the funds seized (See ANNEX 6). However, many of these explanations have consistently proven inconsistent with the intelligence which had led to the identification and seizure of the cash and or BNIs.

## 2.2. Currencies Involved

The United States currency was the most popular currency seized followed by the Euro, with the \$50, \$100 and \$20 bills in that stated order, being the most prevalent of the denominations utilized. Intercepted cash were commonly found rolled-up, sealed in plastic bags, hidden in false bottom compartments of luggage or hidden on the person of the individual during the transportation.

## 2.3. Countries Involved

In total, thirty one (31) countries were identified as source jurisdictions for the movement of cash. Table 3 below depicts a *No. of Countries* column which details the quantum of countries surveyed which identified the listed countries as their main source of cash seizures.

The survey also sought to identify the top five (5) countries from which cash and negotiable instruments originate. Of the 17 countries surveyed, the United States of America was mentioned by 9 countries as the main origin of cash seized. This was followed by Trinidad and Tobago which was mentioned by 4 countries.

**Table 3. Main jurisdictions where seized cash originate**

No.	Countries	No. of Countries
1.	United States of America	9
2.	Trinidad & Tobago	4
3.	St. Lucia	3
4.	Curacao	3
5.	British Virgin Islands	3
6.	Guadeloupe	3
7.	Antigua & Barbuda	2
8.	Columbia	2
9.	St. Vincent & the Grenadines	2
10.	Grenada	2
11.	United Kingdom	2
12.	Barbados	2
13.	Venezuela	2
14.	St. Maarten	2
15.	Puerto Rico	1
16.	St. Thomas	1
17.	Dominica	1
18.	Netherlands	1
19.	Martinique	1
20.	The Bahamas	1
21.	Guyana	1

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22.	Bermuda	1
23.	Canada	1
24.	China	1
25.	Belize	1
26.	Guatemala	1
27.	Mexico	1
28.	Honduras	1
29.	Spain	1
30.	Dominican Republic	1
31.	Mexico	1

### 2.4. Seizures

The following table depicts the total monetary value of cash seized for the period 2011-2015. The total figure below appears quite significant when one views the analysis of the varied challenges confronting the member countries. However, this information begs the questions, ***“What percentage does the figure represent of the total amount (detected and undetected) of cash and BNIs being transported through our borders?”***

**Table 4. Cash seizures for the period 2011-2015**

No.	Amount (USD)	CFATF Member Country	Currency
1.	\$4,129,432.89	Jamaica	United States Currency
2.	\$3,431,617.80	Venezuela	United States Currency
3.	\$2,741,524.00	Trinidad	United States Currency
4.	\$2,128,403.06	Dominica	United States Currency
5.	\$2,100,438.00	BVI	United States Currency
6.	\$1,749,956.40	Bermuda	United States Currency
7.	\$1,302,292.50	Antigua	United States Currency
8.	\$1,079,490.85	St. Martin	United States Currency
9.	\$987,485.60	St. Lucia	United States Currency
10.	\$727,174.65	Guyana	United States Currency
11.	\$558,872.00	St. Vincent	United States Currency
12.	\$133,610.00	Grenada	United States Currency
13.	\$220,206.36	Belize	United States Currency
14.	\$3,494,935.00	The Bahamas	United States Currency
15.	\$99,882.00	Turks and Caicos	United States Currency
	<b><u>US \$24,751,711.11</u></b>		

*CFATF Member Country = Participating member countries who made the actual seizures.*

Despite the successes highlighted above, the cases were predicated mainly on cash seizures. Only one jurisdiction reported on the procedure it had adopted in seizing bank drafts and travelers checks. This

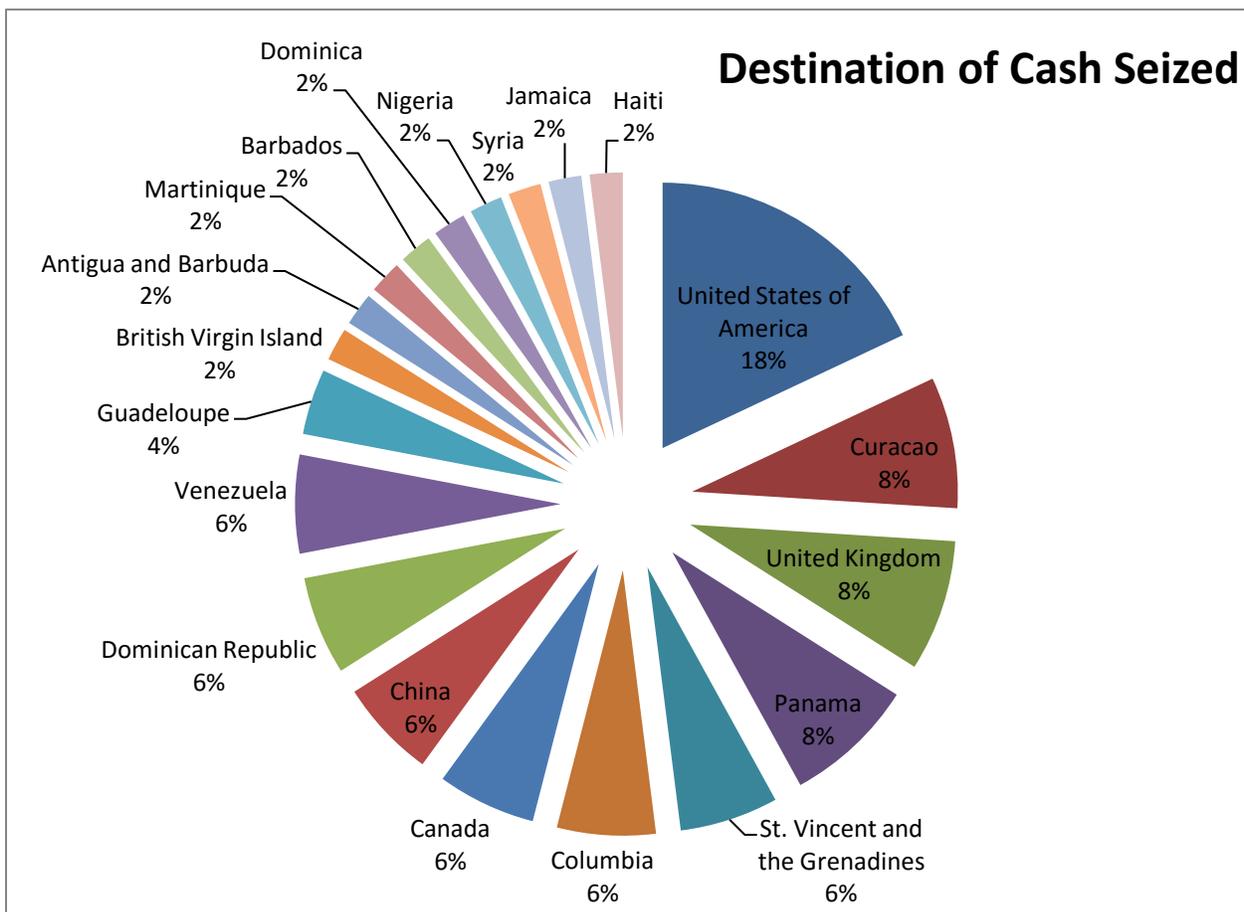
included requesting of the detainee to endorse the bank draft or travelers checks prior to deposit into an escrow.

The Court has been utilized, in some instances, to serve the financing institution which issued the check/bank draft with Court Orders, thereby preventing the cancellation of the instrument in case a request was received by the detainee upon his release.

The continued analysis of the data submitted by the 17 participating countries unearthed the most prevalent destinations of the cash intercepted. This information was supported mainly by results of interviews conducted with detainees and intelligence received by LEAs.

Chart 5 below depicts the percentage of surveyed countries who identified the “Destination Countries” as the main destination of the cash seized.

**Chart 5. Destination of Cash Seized**



The analysis of the data above assisted in the identification of several factors germane to cash and BNI movement but also raises critical questions with respect to the persons behind the couriers directing

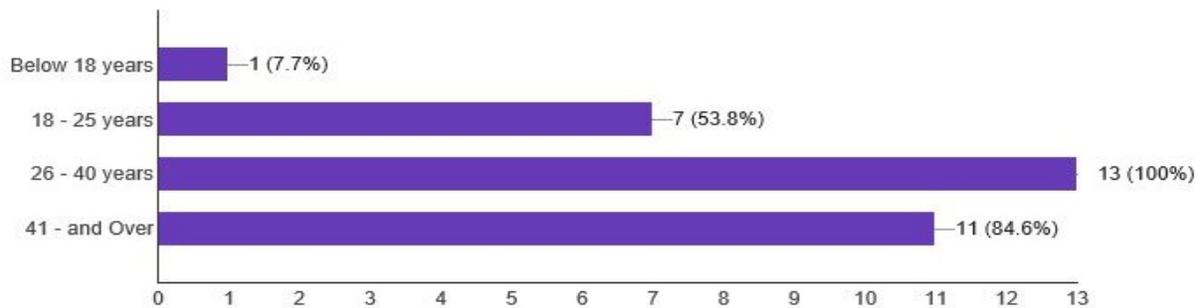
their activities; in light of the identification of drug trafficking as the primary criminal activity linked to the cash and BNIs.

### 2.5. Detained Person and Their Characteristics

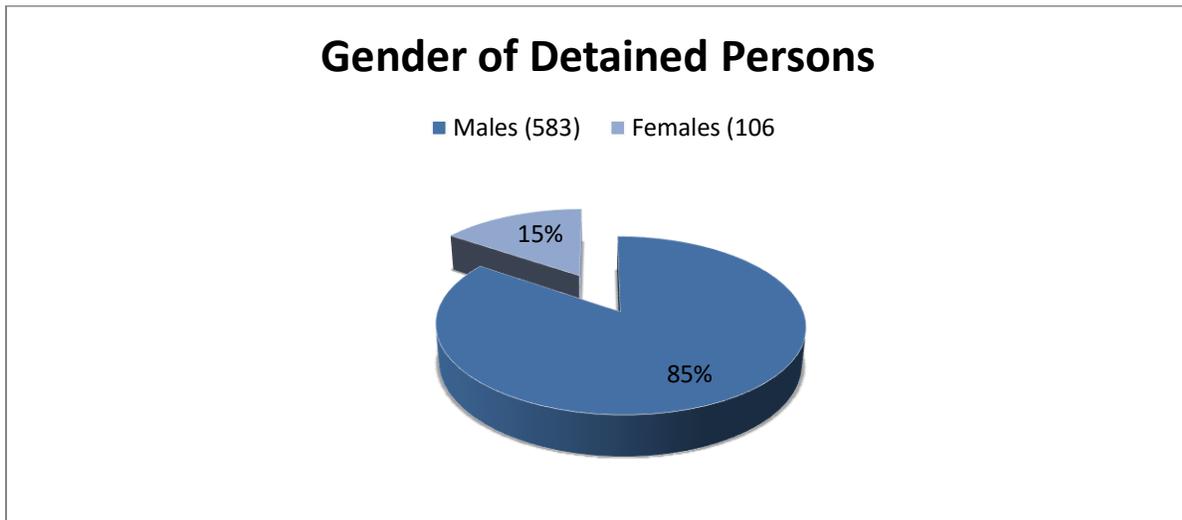
For the period surveyed a total of eight hundred and twenty (820) person were detained with respect to cash and BNI seizures. Of the 820 detainees, 583 of these persons were male and 106 were female.

The age range of the persons intercepted was primarily between the ages of 26-40; while higher convictions rates were recorded for persons above 41.

**Table 6. Age groups of the person detained**



**Chart 7. Gender of detained Persons**

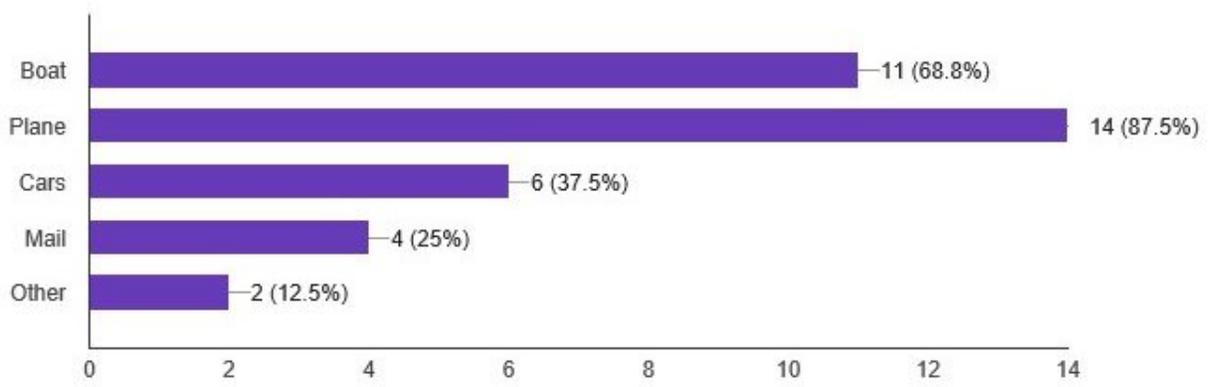


**Females = 106 / Males = 583.** NB: The total number of males and females detained, as depicted in Table 4 above, does not equal the total number of persons detained. This is due to a lack of comprehensive data collection systems by some participating jurisdictions.

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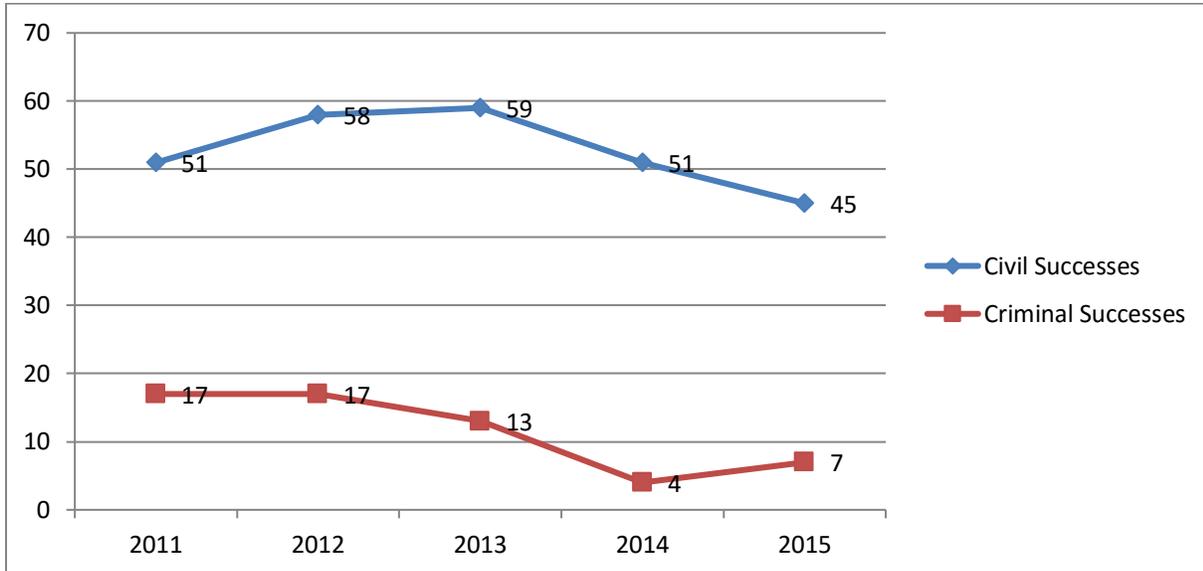
Females detained represents only 15% of the total number of persons detained for the period 2011-2015.

**Table 8. Main vehicles used to move cash & BNIs**

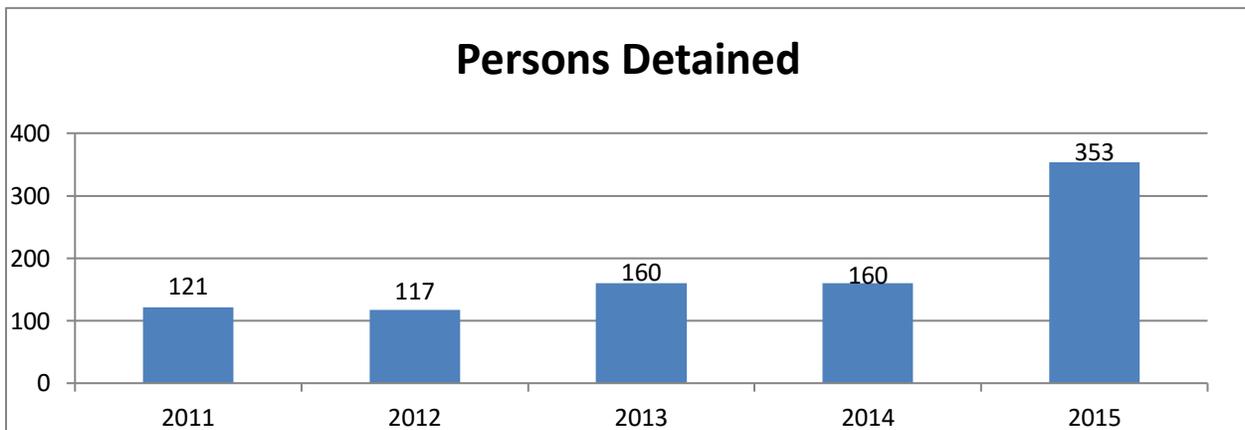


**Chart 9. Civil and Criminal Successes**

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**Table 10. Persons Detained**



### 3. CASES AND TYPOLOGIES

#### Case 1: US \$138,015.00 – Concealment in Luggage

##### **TRINIDAD & TOBAGO**

*The Suspect, a British Virgin Islands national entered Trinidad and Tobago at the Piarco International Airport on LIAT flight #309. He was detained by officers of the Trinidad and Tobago Customs and Excise Division after a search was conducted and an undeclared sum of \$138,015.00 USD was found concealed in the underlining of his luggage. The cash was mainly of small USD denomination (\$5, \$10 and \$20) tightly wrapped in vacuum sealed plastic packages. The Suspect was arrested and the money was seized.*

Case 2: US \$600,000.00 – Concealment in Laundry Soap and other Goods

*The Suspect, a Trinidadian national, was arrested on a cargo vessel named MV ESPOSA I at the Queens Wharf sea port, Port of Spain for violating the Customs and Excise Act, in that he (owner and captain of the vessel) attempted to smuggle into Trinidad and Tobago from the British Virgin Islands, United States of America currency \$600,000.00 USD cash. The cash consisted of 1,600 - US\$100 bills; 2,000 - US\$50 bills and 20,000 - US\$20 bills packed in vacuum-sealed bags and concealed inside in five (5) boxes under a layer of locally manufactured "Bright Blue" Laundry soap and other goods. The Suspect was arrested and the*

Case 3: US \$17,000.00 – Concealment in Luggage

**SINT MAARTEN**

*The FIU St. Maarten has the following two cases that have recently taken place in St. Maarten in relation to the transporting (smuggling of cash). In St. Maarten Declaration are required up on crossing the border by travelers with amounts of USD \$11,000 or higher.*

*Two male suspects were travelling together, in-transit at the Princess Juliana Airport in St. Maarten from Anguilla en-route to the Dominican Republic, and were stopped by the Customs officials. Both men confirmed that they were indeed traveling together, but that they were not in possession of cash. On checking their luggage Customs discovered that there were bags with cash on top of the clothes in amounts of USD \$8,000.00 and USD \$9,000.00 each. The both men then claimed that they were not traveling together in an attempt to deceive the authorities that the cash amount was under the threshold. The entire amount of USD \$17,000.00 was immediately seized and a case was opened.*

Case 4: US \$80,000.00 – Concealment in Luggage

*A male suspect traveling from Curacao to St. Maarten arrived at the Princess Juliana Airport and stated that he had no money to declare. He informed the Customs Officials that he will be staying at a hotel in Maho (he did not know the name of the Hotel), an expensive area for pleasure. The Customs officials conducted a search of the suspect and his luggage and found only USD \$300.00 in his possession. This was unusual for the expensive area he indicated he was going to stay.*

*The next day the Customs recognize the same suspect at the airport, travelling back to Curacao. The suspect was acting in a nervous and suspicious manner as they approached him. This alerted Customs Officials who again conducted a search of the Suspect and his luggage. As a result of the search, they discovered in his luggage amongst his belongings cash amounting to USD \$80,000.00 divided into different denominations with more than 3,000 notes of USD \$20.00. The cash was immediately seized and the suspect was arrested and handed over to the St. Maarten Police Force.*

**Case 5: US \$244,000.00 – Concealment in Washing Machine**

**VIRGIN ISLANDS**

*On 23<sup>rd</sup> October 2013 police conducted a search of a motor vessel after receiving intelligence that it may have been carrying contraband including drugs. The vessel was docked at Port Purcell, Tortola and was in the process of making preparations to sail to Trinidad and Tobago. During the search a washing machine was discovered with US\$244,000.00 in US\$20.00 bills hidden in the back of the appliance wrapped in duct tape. The money was immediately seized by police and a case submitted to the Office of the DPP.*

**Case 6: US \$39,000.00 – Concealment in Electrical Appliance**

*On 10<sup>th</sup> February 2015, post office employees became suspicious of a parcel which was sent from the USA via E Zone shipping company. Following examination of the package a RCA 5 disc stereo system was discovered. A closer examination of the device revealed that its electronics components had been removed and a large quantity of cash totaling US \$39,900.00 in US\$20.00 was discovered hidden inside. The money was wrapped in saran wrap. Though there was insufficient evidence to charge the individual to whom the package was addressed, the case for forfeiture is pending based on a decision by the Office of the DPP.*

**Case 7: US \$359,950.00 – Concealment in Boat**

*On 7<sup>th</sup> September 2016, a fishing vessel captained by a Puerto Rican resident/USA citizen was stopped in the territorial waters of the British Virgin Islands and it was discovered that the vessel had not declared entry into the BVI. The suspect stated he had come to fish in the waters though he had no fishing license, which is a requirement under BVI Fishing Regulations. The vessel was searched and a black travel bag was discovered in the storage area containing twenty seven (27) saran wrapped packages. The packages showed markings with figures of 20, 30, 5,000, 10,000 and 15,000. The packages contained a total of US\$359,950.00 in cash. The majority of the money was in US\$20.00 bills. The suspect was charged with money laundering.*

Case 8: US \$83,900.00 – Concealment in Luggage

**JAMAICA**

*The suspect, a Venezuelan National was arrested at the Norman Manley International Airport in the attempt to smuggle, out of Jamaica, United States Currency of \$83, 900.00 in cash in breach of the Proceeds of Crime Act. He was about to board a flight to Curacao when he was stopped and searched. Cash in the following denominations of USD \$100.00, USD \$50.00 and USD \$20.00 bills was found wrapped in plastic wrapping in nine cylindrical objects in body wash and shampoo bottles marked “Tresseme” in his luggage. The suspect was arrested and charged and the money seized. He was placed before the Parish Court where he pleaded guilty and was fined and in default of payment would serve three months imprisonment. The seized cash was forfeited to the state.*



Case 9: US \$33,700.00 – Concealment on Person

**JAMAICA**

*The suspect, a female Jamaican checked-in to board a flight at the Norman Manley International Airport destined for Curacao, when Narcotics officers, acting on information, searched her luggage. Whilst her luggage was being searched she was questioned as to her destination and amount of cash she was travelling with, she indicated that she was going to Curacao and had USD \$3,900.00 with her. A search revealed that whilst she had USD \$3,900.00 in her hand bag, she also had USD \$29,800.00 on her person, concealed in her brassier (bra: an intimate female apparel). The cash was seized under the Proceeds of Crime Act 2007 after she failed to give a proper account. She was arrested and was interviewed. In relation to the source of the monies she was found to have lied repeatedly. The investigation proved that she committed breaches of the proceeds of Crime Act and she was subsequently charged with money Laundering. The suspect appeared before the parish court where she pleaded guilty and was fined as well as given a mandatory prison term of nine months. The cash was forfeited to the state.*

#### 4. ENFORCEMENT: AGENCY/INSTITUTION

##### 4.1. Main enforcement agency (Customs)

The Customs agencies have been identified as the main domestic authority with responsibility for enforcing the movement of cash and negotiable instrument movements through the ports. This is achieved mainly through intelligence led operations or random searches of persons.

##### 4.2. Secondary enforcement agency (FIU)

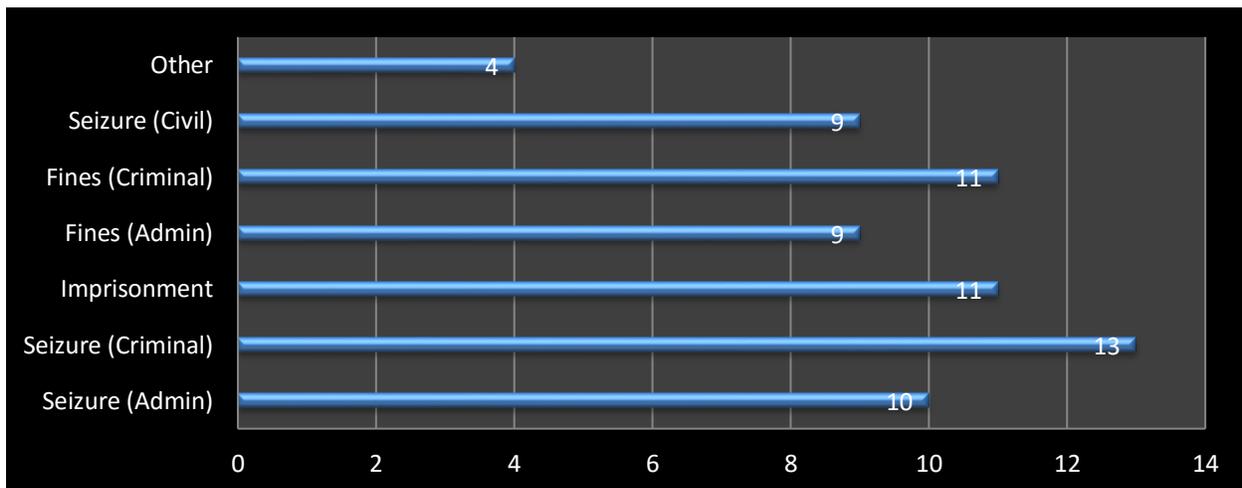
Though some FIUs are not enforcement agencies, countries surveyed reported sharing currency declaration information collected at various ports by Customs and or police personnel, with FIU investigators to facilitate any investigation being carried out or analysis being undertaken by the FIU.

#### 5. OVERVIEW OF ANTI-MONEY LAUNDERING/ COUNTER TERRORISM INITIATIVES

##### 5.1. Structure of the Counter Measures

All countries surveyed during this study indicated that a legal framework exists within their respective jurisdiction which addresses cash and negotiable instruments transportation through their borders. Many cited proceeds of crime, money laundering, customs, and anti-drug and terrorism legislation as the key statutes which provide the legal basis for action.

These statutes also creates varying types of administrative, civil and criminal sanctions which can be imposed on persons caught making false declarations or disclosures to law enforcement officials. Sanctions range from administrative, civil and criminal seizures as well as criminal and administrative fines and imprisonment. The predominant sanction imposed has been criminal seizure, accounting for 82.4%; criminal fines and imprisonment accounted for 68.8%. There is a 56.3% utilization of civil sanctions in the administration of sanctions for false declarations and or disclosures. This underscores the application by LEAs of civil cash forfeiture (*in rem*) procedures as an additional tool in the policing of this activity.



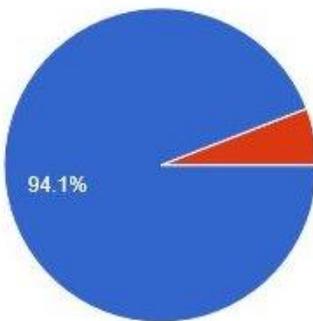
**Chart 11. Most prominent sanctions utilized by member countries**

The study found that a wider range of sanctions exist for money laundering (ML) investigations as opposed to terrorist financing (TF) investigations which are predominantly criminal seizure, criminal fines and imprisonment. The same applied with respect to the predicate offences related to the movement of cash and negotiable instruments.

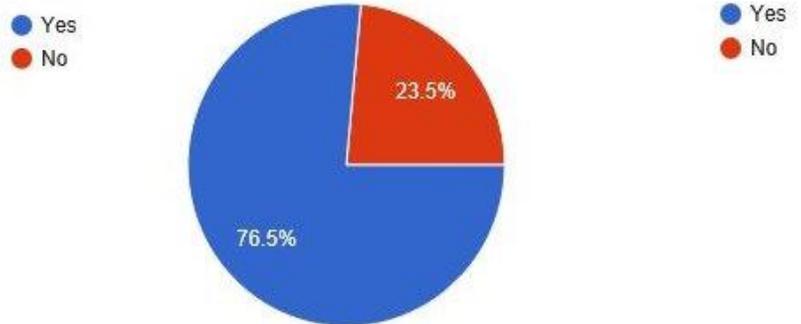
The survey sought to identify the percentage of member jurisdictions with civil cash seizure and or forfeiture legislative measures which are available to LEAs as an alternate to criminal mechanisms. Seventy six point five (76.5%) of the surveyed countries reported that they currently have civil cash seizure and forfeiture provisions in their respective statutes, while 94.1% of the jurisdiction surveyed apply criminal sanctions against violators.

The majority of these provisions can be found within their respective Customs, proceeds of crime and money laundering statutes.

**Criminal Sanctions**



**Civil Sanctions**



**Chart 12. Availability of criminal and civil sanctions among member countries**

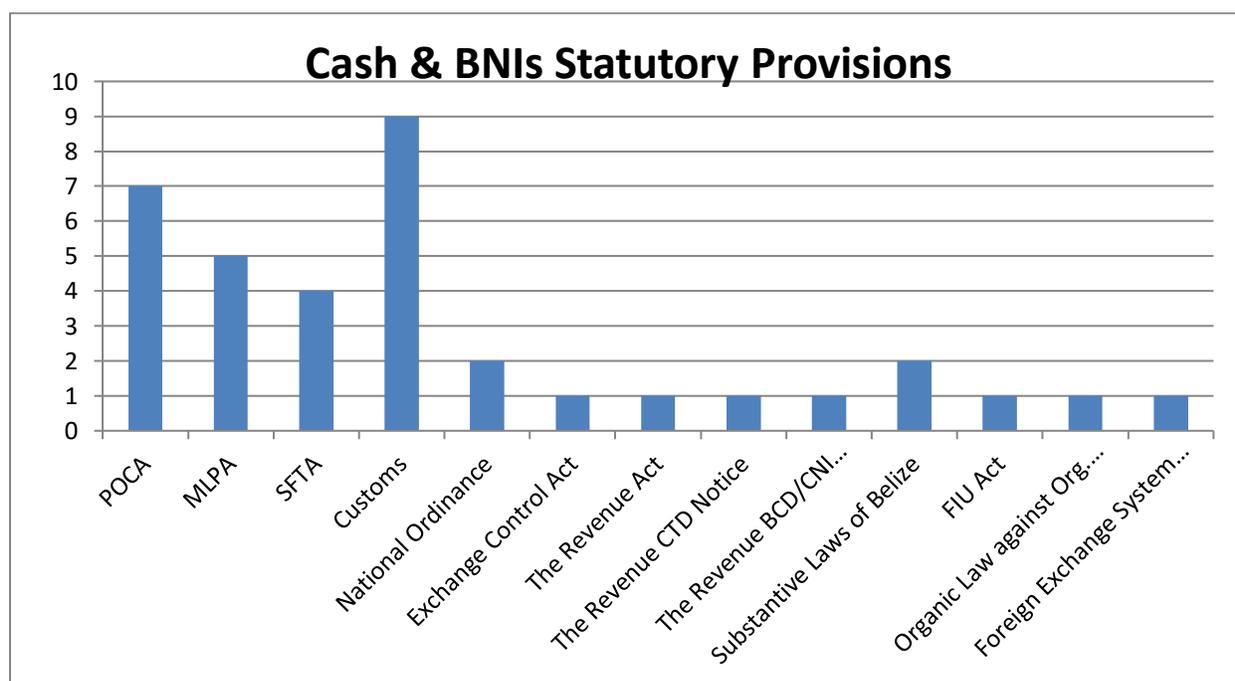
**5.2. Applicable legislation**

The applicable legislative framework comprising disclosure/declaration mechanisms exists within the jurisdictions surveyed. The following relevant conclusions have been made:

1. The most prominent statute identified with provisions which allows for the seizure of cash and BNIs is the Customs Act. The Customs Act plays an important role due to the channels often used for transportation;
2. The second most prominent statute identified is the Proceeds of Crime Act which is utilized by several jurisdictions for seizure and forfeiture of cash and BNIs;
3. The Money Laundering Act is the third widely used statute by surveyed jurisdictions, followed by Suppression of Financing of Terrorism Acts.

4. Other jurisdictions cited varying degrees of statutes with provisions which allows for the seizure and forfeiture of cash and BNIs. These statutes include The Revenue Act which is seen as a subsidiary legislation, The Revenue(Customs Traveler Declaration) Notice, The Revenue (Bermuda Customs Declaration) (Cash and Negotiable Instruments) Notice, Substantive Laws, National Ordinance, Exchange Control Act, Financial Intelligence Unit Act, Organic Law against Organized Crime and Terrorist Financing as well as the Foreign Exchange System and Illicit Activities Act.

Usage statistics by surveyed jurisdictions are captured in the table below, highlighting the main statutes where cash and BNI seizure and forfeiture provisions are most commonly found.



**Table 13. Statutes providing for cash and BNIs in member countries**

### 5.3. Detection Mechanism

#### 5.3.1. Declaration system

In a declaration system, all persons making a physical cross-border transportation of currency or BNIs, which are of a value exceeding a pre-set, maximum threshold, should be required to submit a truthful declaration to the designated competent authorities. Countries may opt from among the following three different types of declaration system:

- a) A written declaration system for all travelers;
- b) A written declaration system for all travelers carrying amounts above a threshold; and/or
- c) An oral declaration system for all travelers.

Of the 17 jurisdictions that responded to the questionnaire, all have implemented a written declaration system for all travelers carrying amounts above a prescribed threshold. The average prescribed threshold of the jurisdictions is \$10,000.00 USD; which is used further by the majority of CFATF members' jurisdictions. Belize and Trinidad and Tobago have implemented a threshold of \$5,000.00 USD. St. Vincent and the Grenadines and Dominica are the only jurisdiction to have a threshold limit of (EC \$10,000.00 which is \$3,704.00 USD) under \$5,000.00 USD.

### 5.3.2. Disclosure system

In a disclosure system, persons are required to give truthful answers and provide competent authorities with appropriate information upon request (i.e. customs officers), but are not required to make an upfront written or oral declaration.

### 5.3.3. Reporting forms

All countries surveyed reported that a declaration form was a component of the counter measures implemented at their respective ports. These forms when completed are mainly filed away manually and are predominantly retained by the Custom agency.

Only 41.2% of the countries surveyed indicated that the data on the forms are uploaded to a database for analysis and storage; the remaining 58.8% indicated that these forms are stored as received, in their paper state.

About two thirds (68.8%) of the surveyed countries indicated that Customs shared the contents of the forms with their FIU colleagues to facilitate civil or criminal action against persons found in possession of cash or negotiable instruments. 31.3% of the countries indicated that this information is not shared with FIU; and only 52.9% of the countries share this information with the Police.

### 5.3.4. Cooperation

In response to FATF's requirement of ensuring that measures are implemented to regulate cash and BNI moving through the air, land and sea ports, the jurisdictions surveyed all reported that the following exist:

- a. Legislation establishing an appropriate authority (in most instances Customs agency) with responsibility for policing this activity;
- b. Police and the FIU provide support by facilitating and in some instances conducting parallel financial investigations relative to the cash or negotiable instrument seized. These statutes also provides LEAs with sufficient powers to seize and where needs be, confiscate cash or negotiable instruments seized at the ports;
- c. A declaration system at the respective ports complimented by the use of a specific declaration form to record information declared;
- d. Sharing of information among LEAs detailing the particulars of known couriers;

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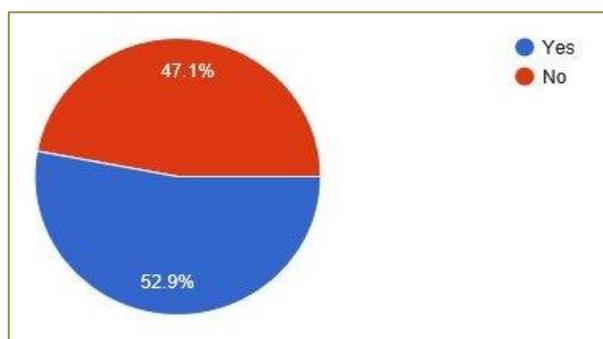
- e. Execution of MOUs between LEAs to facilitate effective information sharing, cooperation and coordination;
- f. Training to LEA staff in the application of their statutory powers pertaining to cash and BNI movements;
- g. The existence of standard operating procedures (SOP) specific to cash and BNI seizures;
- h. Analysis by FIUs of cash and BNI declaration received from Customs; and
- i. Continuous development of legislative provisions thereby ensuring that they remain current;

The pre-requirement for a MOU between LEAs prior to information sharing was analyzed during the survey and of the 17 countries surveyed 47.1% indicated that the absence of an MOU is not an impediment to sharing of information while the remaining 52.9% cited the need for MOUs prior to information sharing.

Notwithstanding, the need by some jurisdictions for an MOU as a prerequisite to information sharing, 13 of the countries surveyed reported that alternate mechanism to MOUs which are equally effective are used regularly to facilitate the sharing of information and advance investigations by LEAs.

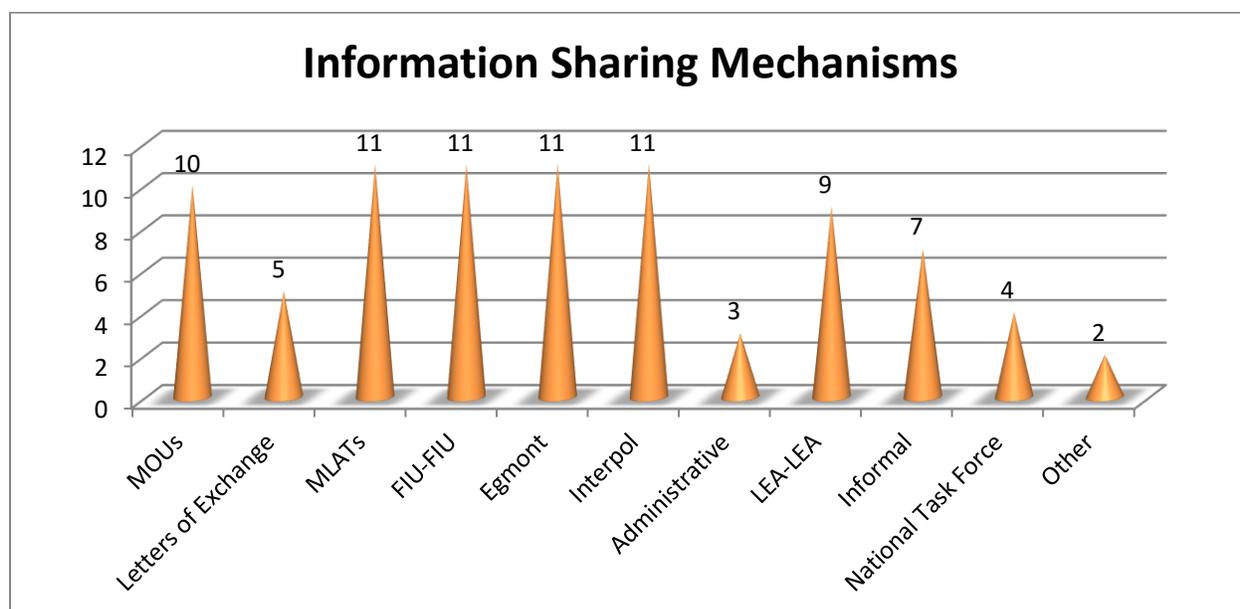
The availability of such mechanisms by the surveyed jurisdiction serves only to bolster the investigative capacities of investigators, prosecutions and other appropriate authorities whose roles are critical to the overall regulation of cash and BNIs traversing their respective borders.

**Chart 14. Need for MOU prior to information share**



As the chart (**Chart 15**) below depicts FIU to FIU requests, mutual legal assistance treaty requests (MLATs), requests sent via the International Criminal Police Organisation (Interpol) platform, law enforcement to law enforcement and informal requests dominate the alternate methods used by LEAs in the investigation of cases with a nexus to cash and BNIs.

The assigned numbers (*i.e. 11, 9, 7 etc.*) at the tip of the cones in the chart below represents the number of countries of the 13 countries who responded, who have identified the most prevalent information sharing mechanism currently being utilized by their respective countries.



**Table 15. Information Sharing Mechanism**

*NB: Only 13 jurisdictions completed this question. This was due to an error in the form.*

Amendments to the MLPA is planned in one of the surveyed jurisdiction which is geared primarily at expanding the definition of money laundering thereby bringing it more in line with current case law. Additionally, work has begun on an amendment to the Proceeds of Crime Act which will address the promulgation of the civil forfeiture rules facilitate the filing of civil cash and BNI at the courts.

Amendments to the Custom Act in one of the surveyed jurisdiction have been finalized to incorporate cash and BNIs in the definition of goods thereby allowing Customs to treat with cash and BNIs the same way it would with dutiable goods.

Other jurisdictions have amended their Money Laundering and Terrorism (Prevention) Act to provide for the empowerment of Customs Officers to search for, seize and detain suspicious cash, including BNIs. Further amendments are being planned in that jurisdiction to provide for declarations regarding the existence, nature and source of cash (*including BNIs and stored value cards*) upon leaving or entering the country, to be made with Customs Officials at all border points rather than at the Financial Intelligence Unit.

To further strengthen the investigative capacity of LEAs, one jurisdiction reported on the issuance of a MOU which had been executed between the FIU and the Customs and Excise Department in order to facilitate effective information sharing, coordination and cooperation.

Some officers of the Customs and Excise Department have also undertaken a course of self-study to sensitize themselves and the officers under their supervision to the issues surrounding cross-border currency movement as set out in the FATF Guidance.

In a surveyed jurisdiction, a Proceeds of Crime (Minimum Amount) Order was introduced which makes provisions for a reduction in the minimum amount of cash a police officer can seize from a premises from EC\$27,000.00 to EC\$1,000.00.

Some jurisdictions indicated that active consideration is being given to numerous MOUs which are at an advance state of finalization with other countries.

Surveyed jurisdictions referenced the establishment of Joint Multi-Agency Task Forces amongst domestic LEAs, some of whom included border patrol and port security agencies.

Other jurisdictions have sought to formalize their relationships with other LEAs by executing MOUs with key authorities including non-LEAs who also play a critical role, albeit administrative, in the administration of pertinent statute.

## 6. VULNERABILITIES OF COUNTER MEASURES

It is lawful to carry currency across national borders as long as the provenance of the cash or BNIs is a legitimate source and the movement is disclosed to the appropriate LEA when it exceeds a particular threshold. Similar reporting obligations apply to the mailing or shipping of currency. If large cash movements are not disclosed, an offence is committed and both criminal and civil enforcement actions can be applied.

People move cash across borders for a range of reasons, both legitimate and illegitimate; such as, when visiting or travelling for pleasure or business. Also, criminals take cash into countries with weaker AML/CTF regimes, where it is much easier to place illicit money into the financial system. Therefore, the risk of detection at air and sea ports can be considered lower than the risks associated with having proceeds of crime reported officially when transactions are undertaken at financial institutions.

All the countries that responded have indicated that they have both a legal and an operational framework to address the movement of cash and bearer negotiable instruments. This includes legislation, the judiciary, LEAs (Customs, Police and immigration, Ministry of Finance), FIU, intelligence agencies and marine patrols.

The respondents to the CFATF questionnaire identified several vulnerabilities in the legal and operational framework which posed challenges to the prevention and detection of cash and negotiable instruments.

Notwithstanding the measures implemented by the surveyed jurisdictions, challenges remain which impact on the overall effectiveness of the law enforcement actions of these countries.

The challenges identified include:

### a. Porous Borders

- ✓ Countries reported the challenges in effectively policing the porous borders some of which are shared with other neighbouring countries, coupled with mountainous terrain which makes it increasingly difficult to patrol.
- ✓ Others reported of the relative size of the borders inclusive of neighbouring islets and proximity of some of the islands increases the challenges of appropriate LEAs effectively patrolling these areas;

### b. Resources

#### *Human*

- ✓ The inadequacy of human resources within key agencies;

#### *Equipment*

- ✓ Lack of advanced technical equipment to enable better searches at the borders, including specifically non-intrusive inspection equipment for examining shipping containers and baggage/luggage;

#### *Financial*

- ✓ Limited use of technological devices by law enforcement personnel in the detection of money laundering (in particular cases related to cash and BNI seizures) due to unavailability of financial resources;

### c. Cooperation

#### *Domestic*

- ✓ Some jurisdictions indicated that no national task force exists among LEAs which could enhance cooperation in terms of joint investigations and intelligence sharing - while others indicated the existence of such bodies but report that they were inactive;

#### *International*

- ✓ Timeliness of responses to requests sent to international LEAs;
- ✓ Multi-jurisdictional nature of the cases;

#### *MOUs*

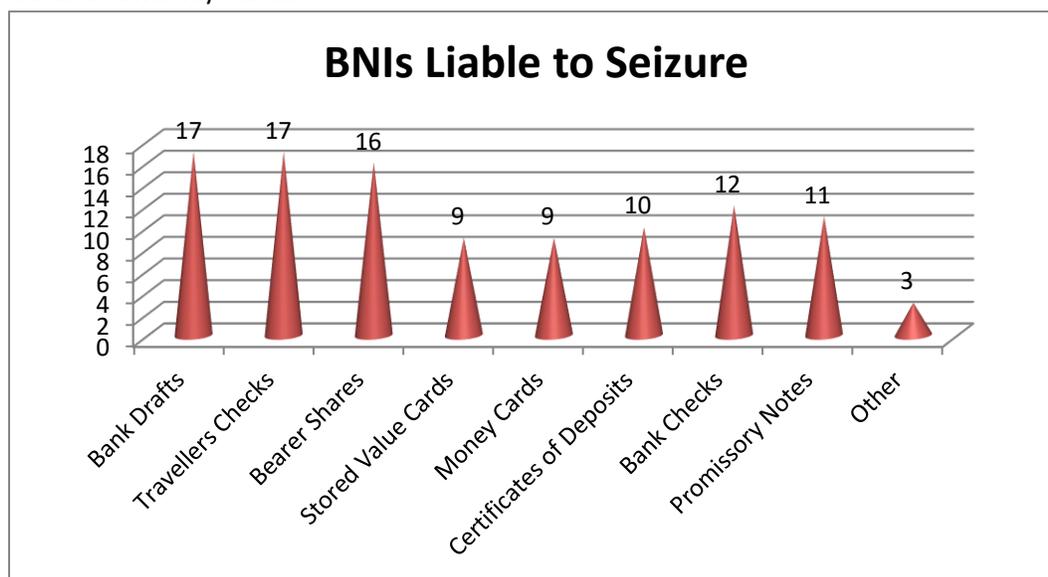
- ✓ Lack of MOUs or other effective mechanism (s) to facilitate information share among LEAs;

*Language*

- ✓ Challenges in advancing investigations due to language barriers;

**d. Legal**

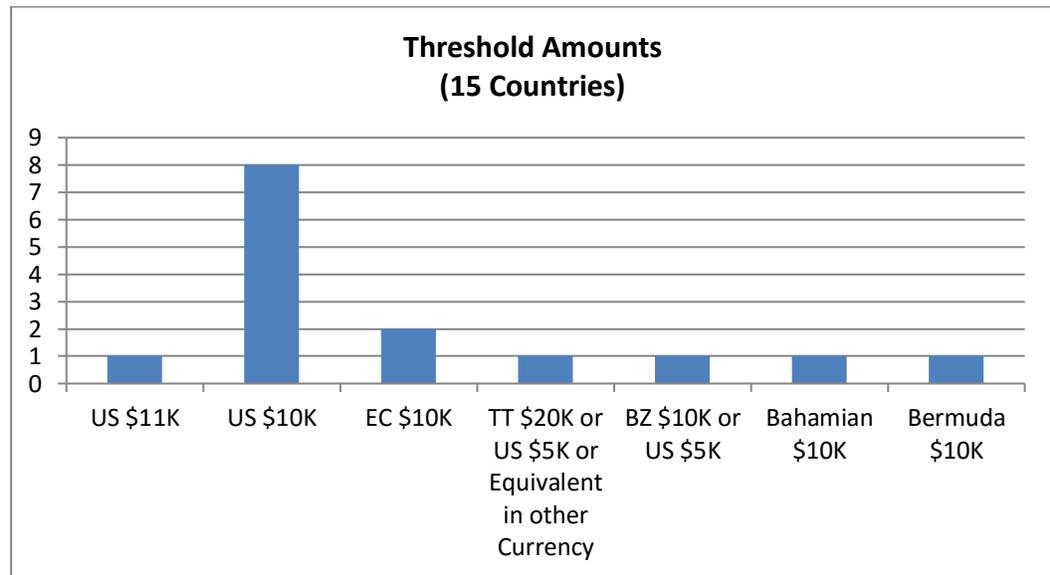
- ✓ No civil forfeiture statutes exist in some jurisdictions. The predominant legislative provisions utilized in addressing the movement of cash and BNIs are criminal based;
- ✓ The lack of controlled delivery legislation in the investigation of cash and BNIs;
- ✓ Legislation requires updating but are delayed due to lengthy processes involved prior to approval by the legislature;
- ✓ As depicted by Table 16 below, there is a lack of uniformity of statutes across the region with respect to the type of BNIs which can be seized. Bank Drafts, Travelers Checks and Bearer Shares are the most prominent instruments which can be seized by 16-17 of the jurisdictions surveyed. This is followed by Certificates of Deposits, Bank Checks and Promissory Notes; while only 9 jurisdictions reported the ability to seize Stored Value Cards and Money Cards.



**Table 16. BNIs liable to seizure pursuant to existing legislative provisions**

- ✓ Variations in statutes across the region in establishing statutory thresholds to facilitate cash and BNIs seizure processes as depicted in Table 17 below.
- ✓ Enforcement overlaps – the result of multiple domestic LEAs establishing jurisdiction over seizure cases, underscoring the need for coordinated approaches to these

investigations based on likelihood of success, investigative capacity and knowledge of existing legislation;



**Table 17. Threshold reporting amounts**

- ✓ Information shared with the appropriate prosecuting and investigating authorities are sometime inadequate to advance the investigation/prosecution of cases;
- ✓ Admissibility of evidence from other jurisdictions being accepted in local Courts;

**e. Training**

- ✓ A need for increased training for prosecutors and judicial officers in the interpretation and application of the legislation, in particular on topics identifying new trends and evolving typologies and changes in statutes and case law;
- ✓ The need for systematic and updated training on both operational and AML/CFT specific aspects for law enforcement practitioners. Providing such training is often difficult due to the limited human resources, limited access to such training programmes and limitation in the jurisdiction’s ability to fund or otherwise carry out these training activities;

**f. Remuneration**

- ✓ Remuneration paid to key agency personnel is not commensurate with the risks. Identified and reported by agency professionals, who, having seized/forfeited the cash/BNIs of persons have been subjected to threats;

### g. Court

- ✓ The absence of a specialized Court to deal with financial crimes, money laundering and related cash and BNI cases;
- ✓ Back log of cases at the Court hindering effective adjudication of matters;

### h. Methodology

- ✓ Increased use of 'smurfs' by criminals which decreases the level of detection when coupled with limited real-time analysis and access to information;
- ✓ Lack of clarity by law enforcement practitioners pertaining to intricacies in the interpretation and or application of the procedural aspect of legislation dealing with cash and BNIs seizures;

### i. Database

- ✓ Non-existence of a regional database or information sharing mechanism which would provide for real-time access to and sharing of information among key law enforcement personnel of cases of intercepted cash and BNI cases;

### j. Declaration

- ✓ Heightened or enhance enforcement of declaration system on entry; but limited enforcement of disclosure system on exit.

## 7. POLICY IMPLICATIONS

### 7.1. Key findings

The majority of CFATF member countries are predominantly cash based economies. All of the CFATF member countries have declaration systems at their legal ports of entry. In order to effectively disrupt the illegal movement of cash and negotiable instruments competent authorities both domestically and internationally must enhance cooperation and make a sustained effort to share information and intelligence amongst themselves.

Some common features and trends which have emerged from the analysis of the information gathered during the compilation of this report are as follows:

- The currencies most frequently encountered in criminal cash seizures is the US dollar, followed by the Euro;
- The predominant origin and destination of seized cash is the United States of America;

- The couriers are predominantly males between the ages of 26-40;
- The bulk of the cash seized is linked to drug trafficking;
- Airports are the preferred choice of couriers followed by sea and land borders;
- There exist legislative frameworks comprising of disclosure/declaration mechanisms within the jurisdictions surveyed, however, enhanced enforcement is carried on passengers entering respective jurisdictions as opposed to those exiting;
- There is an increase in the use of civil forfeiture/seizure procedures in the administration of cases as compared to criminal forfeiture/seizure notwithstanding a 94.1% availability of criminal cash/BNI seizure legislations as compared with 76.5% availability of civil cash/BNI seizure legislation;
- Declaration forms exist and the information particularized are used by LEAs. However, the majority of these declaration forms are still physically filed by LEAs (in particular Custom agencies);
- The majority of the jurisdictions surveyed lacked a national database housing cash and BNI seizure information which is shared among law enforcement and other authorities;
- All jurisdictions surveyed have threshold reporting provisions within their respective statutes;
- Jurisdictions surveyed identified the need for regional type real-time information sharing mechanism within which cash seizure information can be shared with key LEAs;
- There is limited sharing of the information recorded on the declaration forms; and
- 52.9% of the countries surveyed cited the need for an MOU prior to information share with other jurisdictions. However, they all cited alternate methods that can be used to facilitate information share with other law enforcement counterparts overseas.

There appears to be a high level uniformity in the measures which exist within the various member jurisdictions, which serves as an effective regional AML/CFT benchmark for policing the movement of cash and BNIs.

### 7.2. Issues for consideration

The analysis of information provided by surveyed jurisdictions highlighted key strengths and successes of deferring control measures utilized across the region inclusive of legislative frameworks, best practices in addressing domestic cooperation, the advent and successes of civil cash/BNI forfeiture legislation and the proposed new measures which are currently being considered by member jurisdictions aimed at further strengthening their AML/CFT regimes.

Notwithstanding these successes, jurisdictions may wish to consider the following:

- a. Enactment of civil cash/BNI forfeiture legislation in jurisdiction where such statutes are non-existent;
- b. The creation of a set of SOPs for dealing with cash and BNI seizures and prosecution;

- c. Establishment of a specialized Court or training of Magistrates or Judges to adjudicate on cases of cash/BNI seizures;
- d. Establishment of a regional mechanism which allows for real-time data share of cash/BNI seizure information held by law enforcement and other agencies which is much more robust than current systems;
- e. Increased and sustained training to key stakeholders including the Police, Financial Investigators, Customs Officers, Prosecutors and other key agencies in the effective use of investigative techniques specific to cash/BNI seizure case;
- f. Establishment of an effective national task force among LEAs at the operational level with responsibility for coordinating actions pertaining to the administration of AML/CFT measures. This should include a joint task force at the airports among operating law enforcement and other authorities;
- g. The sharing of analyzed FIU cash/BNI data with front line enforcement personnel;
- h. Harmonization of legislation among CFATF member jurisdictions;
- i. Development and implementation of national measures geared at improving the timeliness of responses to request for information. This should include but not be limited to, elevated prioritization of request from requesting agencies pertaining to cash seizures; consideration to be given by requested agencies to providing requested information LEA to LEA without the need for MOU;
- j. Implementation of mechanisms to allow for the examination and if needs be, the seizure of funds linked to stored value cards;
- k. Continuous development and modernization of statutory frameworks of respective jurisdiction coupled with the training of key staff in the implementation of same.

## REFERENCES

- *FATF Recommendations 2013*
- *Asia-Pacific Group on Money Laundering (APG) 2009. APG yearly typologies report 2009.*
- *Smith, R. G, and Walker, J, (2010) "The illegal movement of cash and bearer negotiable instruments: Typologies and regulatory responses," Trends and Issues in Crime and Criminal Justice, October, 2010 No. 402.*

## ANNEXES

## ANNEX 1: Team Members (Countries)

No.	Country
1.	Dominica
2.	Guyana
3.	<i>Anguilla</i>
4.	El Salvador
5.	<i>St. Vincent &amp; The Grenadines</i>
6.	Saint Maarten
7.	Antigua & Barbuda
8.	Trinidad and Tobago
9.	British Virgin Islands

*\*Participating member retired from their respective FIUs*

## ANNEX 2: Questionnaire Submission Dates

No.	Date of Submission	Country
1.	25-Jan-2016	Trinidad and Tobago
2.	1-Feb-2016	St. Kitts and Nevis
3.	1-Feb-2016	St. Vincent & the Grenadines
4.	3-Feb-2016	Bermuda
5.	5-Feb-2016	Jamaica
6.	10-Feb-2016	Dominica
7.	15-Feb-2016	Belize
8.	17-Feb-2016	Venezuela
9.	18-Feb-2016	Saint Lucia
10.	18-Feb-2016	Turks and Caicos Islands
11.	19-Feb-2016	BVI
12.	19-Feb-2016	Sint Maarten
13.	22-Feb-2016	Montserrat
14.	25-Feb-2016	Antigua and Barbuda
15.	26-Feb-2016	Grenada
16.	1-Mar-2016	Guyana
17.	16-May-2016	The Bahamas

**ANNEX 3: Countries who submitted responses**

No.	Country	Membership Participation (%)
1.	Jamaica	<b>62.96%</b>
2.	Dominica	
3.	St. Kitts & Nevis	
4.	Antigua and Barbuda	
5.	Venezuela	
6.	Trinidad & Tobago	
7.	St. Maarten	
8.	British Virgin Islands	
9.	St. Lucia	
10.	Turks and Caicos Islands	
11.	Bermuda	
12.	Belize	
13.	St. Vincent & the Grenadines	
14.	Montserrat	
15.	Grenada	
16.	Guyana	
17.	The Bahamas	

**ANNEX 4: Countries who did not submit responses**

No.	Country	Membership Non-Participation (%)
1.	Anguilla	<b>37.04%</b>
2.	Aruba	
3.	Barbados	
4.	Cayman Islands	
5.	Curacao	
6.	Dominican Republic	
7.	El Salvador	
8.	Guatemala	
9.	Haiti	
10.	Suriname	

**ANNEX 5: Explanation Given by Detainees**

No.	Explanation Given
1.	Unaware I had to declare
2.	Business profits/earnings
3.	Proceeds of Gambling
4.	For family
5.	To purchase real estate
6.	To deliver to a friend
7.	To purchase goods

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8.	An inheritance
9.	Lottery winnings
10.	Vacation spending money
11.	To support overseas family
12.	For construction
13.	To purchase residential property
14.	To purchase equipment
15.	For deposit to account at financial institution
16.	Payment of education
17.	Payment for medical services
18.	To purchase vehicle
19.	Repatriation of savings
20.	Carrying funds on behalf of another
21.	To start business
22.	To purchase boat and or boat parts
23.	To purchase gold

### ANNEX 6 Competence of Persons Completing Questionnaire

No.	Professions
1.	Detective Sergeant
2.	Senior Financial Investigator
3.	Comptroller of Customs
4.	Deputy Solicitor General
5.	Director of Public Prosecutions
6.	Director of Economic and Financial Crime
7.	General Director against Organized Crime
8.	Legal Counsel
9.	Assistant Director of Legal Affairs

# CFATF Risk Trends & Methods Group

## Movement of Cash & Negotiable Instruments Project

### Questionnaire

By decision made at the November 2014 Plenary in relation to its mandate, and in accordance with the 'How-to-Guide' on conducting typologies research issued by the Financial Action Task Force (FATF), the Caribbean Financial Action Task Force (CFATF) Risks, Trends and Methods Group (CRTMG) may inter alia conduct research to identify and analyze money laundering, terrorist financing and other threats to the integrity of the financial system, including the methods and trends involved.

The CRTMG has been mandated to develop a regional report on typologies related to the Movement of Cash and Negotiable Instruments and the effects that these activities have on Money Laundering and Terrorist Financing.

Through the following questionnaire, information will be collected to gather the most relevant data and cases of Movement of Cash and Negotiable Instruments and related money laundering and terrorism financing activities during the period **January 1, 2011 to December 31, 2015**.

As practitioners charged with the responsibility of ensuring that our respective jurisdictions are investor friendly but a deterrent to criminals and our AML/CFT regimes are consistent with FATF policies, it behooves us to fully understand and assess the extent to which these varied methods are employed.

Hence, it is anticipated that on completion of this project, there will be a comprehensive understanding of:

- a. the concealment methods employed;

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- b. the most prominent currencies being used;
- c. the origin and destination of the cash/negotiable instruments;
- d. application of the cash/negotiable instruments;
- e. the scope of legislation and mechanisms in place pertinent to this issue;
- f. controls implemented by jurisdictions; and
- g. challenges faced in the implementation of policies to counter these activities;

Concrete recommendations that incorporate best practices and possible solutions that can be implemented by respective jurisdictions to mitigate and arrest this activity of the illegal movement of cash and negotiable instruments in the region will form part of the conclusion of this project.

All CFATF members are required to submit completed questionnaires by **February 5, 2016**, to their Prime Contacts for onward submission to Team Leader Mr. Patrick George who can be contacted at [georgep@dominica.gov.dm](mailto:georgep@dominica.gov.dm) or [fiu@dominica.gov.dm](mailto:fiu@dominica.gov.dm); Telephone: (767)-266-3374 or 266-3349.

**Completed questionnaires should be collated into one (1) comprehensive questionnaire for the jurisdiction (if more than one questionnaire has been completed by that jurisdiction) and submitted to the CRTMG Team via [Google Forms](#) (Hold down the “Ctrl” key on your keyboard and click “Google Forms or the appended link below which will take you to the Online form.**

([https://docs.google.com/forms/d/1u-fjRH6BDZ7GtiJGLPXGpmXIHxS1ck-RdNT4I81QLmY/viewform?c=0&w=1&usp=mail\\_form\\_link](https://docs.google.com/forms/d/1u-fjRH6BDZ7GtiJGLPXGpmXIHxS1ck-RdNT4I81QLmY/viewform?c=0&w=1&usp=mail_form_link))

If you have any additional information that may be relevant to this project please submit same along with the response to the questionnaire to the above cited e-mail address.

Thank you in advance for participating in this Project.

## Information on Person Completing Form

Date of Completion \*: \_\_\_\_\_

Country \*: \_\_\_\_\_

Name of Organisation \*: \_\_\_\_\_

Name of Person Completing Form: \_\_\_\_\_

Position/Title: \_\_\_\_\_

Telephone (Office): \_\_\_\_\_

Telephone (Cell): \_\_\_\_\_

E-Mail Address \*: \_\_\_\_\_

## Legal

1. What legislation do you have in place to address the movement of cash and negotiable instruments?

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2. What sanctions can be imposed on persons for false declarations/disclosure of cash or negotiable instruments?

*(Tick all that apply.)*

- Seizure (Administrative)
- Seizure (Criminal)
- Imprisonment
- Fines (Administrative)
- Fines (Criminal)
- Seizure (Civil)
- Other (Please Specify):

3. What sanctions can be imposed on persons for failure to declare/disclose cash or negotiable instruments?

*(Tick all that apply.)*

- Seizure (Administrative)
- Seizure (Criminal)
- Imprisonment
- Fines (Administrative)
- Fines (Criminal)
- Seizure (Civil)

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Other (Please Specify):

**4.** What sanctions can be imposed for physical cross border transportation of cash or negotiable instruments related to terrorist financing?

*(Tick all that apply.)*

Seizure (Administrative)

Seizure (Criminal)

Imprisonment

Fines (Administrative)

Fines (Criminal)

Seizure (Civil)

Other (Please Specify):

**5.** What sanctions can be imposed for physical cross border transportation of currency or negotiable instruments related to money laundering?

*(Tick all that apply.)*

Seizure (Administrative)

Seizure (Criminal)

Imprisonment

Fines (Administrative)

Fines (Criminal)

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Seizure (Civil)

Other (Please Specify):

**6.** What sanctions can be imposed for physical cross border transportation of currency or negotiable instruments related to predicate offences?

*(Tick all that apply.)*

Seizure (Administrative)

Seizure (Criminal)

Imprisonment

Fines (Administrative)

Fines (Criminal)

Seizure (Civil)

Other (Please Specify):

**7.** Do you have civil cash seizure/forfeiture legislative provisions in your jurisdiction?

*(Mark only one square.)*

Yes

No

**7.a.** If yes, please state the legislation.

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**8.** What procedures are adopted when cash is seized by a law enforcement agency in your jurisdiction?

*(Tick all that apply.)*

- Civil cash forfeiture procedures
- Criminal cash forfeiture procedures (linked to a criminal case)
- Administrative cash forfeiture procedures (i.e. Customs administrative procedures)
- FIU notification
- Police notification
- Consensual seizure (agreed by suspect and law enforcement)
- Other (Please Specify):

**9.** Do you have criminal cash seizure/forfeiture legislative provisions in your jurisdiction?

*(Mark only one square.)*

- Yes
- No

**9.a.** If yes, please state legislation.

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**10.** Do you need a court order for the seizure/forfeiture of cash/negotiable instruments?

*(Mark only one square.)*

Yes

No

**11.** Is there a maximum threshold for cash or negotiable instruments, above which a declaration is required?

*(Mark only one square.)*

Yes

No

**11.a.** If yes, please state the threshold amount *(Include currency type)*.

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**12.** Do your laws allow for the deposit of seized cash/negotiable instruments into an escrow (interest bearing) account pending the outcome of your investigation/prosecution?

*(Mark only one square.)*

Yes

No

**12.a.** If no, where is the seized cash/negotiable instruments held?

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**13.** Do domestic laws allow for the use of production orders and other intrusive measures when civil cash/negotiable instrument seizure cases are being investigated? Tick all that apply.

Yes

No

**14.** Do domestic laws allow for the seizure of negotiable instruments?

*(Tick all that apply.)*

Yes

No

**14.a.** If you answered yes to question 14, what negotiable instruments are liable to be seized?

*(Tick all that apply.)*

- Bank drafts
- Travelers checks
- Bearer shares
- Stored value cards
- Money cards
- Certificates of Deposit
- Blank cheques
- Promissory notes
- Other (Please Specify):

**Counter Mechanisms & Procedures**

**15.** What policies does your jurisdiction have in place that allows for the coordination of the seizure of cash/negotiable instruments at the borders by law enforcement agencies?

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**16.** What type of system does your jurisdiction use to address the illegal movement of cash and negotiable instruments at your borders?

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*(Tick all that apply.)*

- Written declaration for all travellers
- Written declaration system for travellers carrying amounts above a threshold
- Oral declaration systems for all travellers
- Written disclosure for all travellers
- Written disclosure system for travellers carrying amounts above a threshold
- Oral disclosure systems for all travellers
- Other (Please Specify):

**17.** Which competent authority in your jurisdiction has the authority to stop, detain or seize currency or negotiable instruments suspected to be linked to terrorism financing, money laundering or predicate offences for non-disclosure/declaration or false declaration/disclosure?

*(Tick all that apply.)*

- Financial Intelligence Unit
- Customs Police
- Immigration
- Port Authority
- Other (Please Specify):

**18.** Are there Declaration Forms in place to facilitate the reporting of cash?

*(Mark only one square.)*

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Yes

No

**18.a.** Are there Declaration Forms in place to facilitate the reporting of negotiable instruments?

*(Mark only one square.)*

Yes

No

**18.b.** Are these Declaration Forms kept in a database that is shared among law enforcement?

*(Mark only one square.)*

Yes

No

**18.b.1.** If not, how and/or where are these Declaration Forms kept or maintained?

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**18.c.** Are these Declaration Forms shared with the FIU?

*(Mark only one square.)*

Yes

No

**18.d.** Are these Declaration Forms shared with the Police?

*(Mark only one square.)*

Yes

No

### **Investigative & Statistical Information**

**19.** How many cases of cash/negotiable instruments seizures have you recorded for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

**20.** What is the total value of cash/negotiable instruments seized for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

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2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

**21.** What are the identified methods used by the person (s) caught transporting cash/negotiable instruments through your borders?

*(Tick all that apply.)*

- Concealed on person
- Concealed in luggage
- Concealed in food
- Concealed in equipment
- Concealed in goods
- Concealed in boats
- Concealed in cars
- Other (Please Specify):

**22.** What are the top five (5) countries from which the seized cash/negotiable instruments originate?

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**23.** What are the top five (5) sources (other than countries) from which the seized cash/negotiable instruments originate?

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**24.** What are the known destinations of cash/negotiable instruments traversing your borders?

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**25.** What are the main reasons given by the declarants with respect to the purpose/application of the cash/negotiable instruments?

*(Main reasons given by declarants)*

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**26.** What are main currencies identified?

*(Tick all that apply.)*

Euro

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- United States of America
- Eastern Caribbean Currency
- Trinidad & Tobago
- Yuan
- Bolivar
- Other (Please Specify):

### 27. What denominations?

*(Tick all that apply.)*

- 1
- 5
- 10
- 20
- 50
- 100
- 500

**28.** What are the packaging methods used?

*(Tick all that apply.)*

- Plastic sealed
- False bottoms
- Body packs
- Rolled up cash
- Other (Please Specify):

**29.** What is the total number of cases that have resulted in cash/negotiable instruments being seized for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

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**29.a.** What is the total number of persons detained/questioned in connection with these cases for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

**29.b.** What is the total number of successful civil forfeiture cases that have emanated from these cases for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

**29.c.** What is the total number of criminal convictions that have emanated from these cases for each of the following years: 2011, 2012, 2013, 2014 & 2015?

2011: \_\_\_\_\_

2012: \_\_\_\_\_

2013: \_\_\_\_\_

2014: \_\_\_\_\_

2015: \_\_\_\_\_

**30.** What are the age ranges of the persons detained/questioned?

*(Tick all that apply.)*

- Below 18 years
- 18 - 25 years
- 26 - 40 years
- 41 - and Over

**31.** What are the age ranges of the persons prosecuted?

*(Tick all that apply.)*

- Below 18 years
- 18 - 25 years
- 26 - 40 years
- 41 - and Over

**32.** What are the age ranges of the persons convicted?

*(Tick all that apply.)*

- Below 18 years
- 18 - 25 years
- 26 - 40 years

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41 - and Over

**33.a** What is the primary gender of the persons referenced in questions 30-32?

*(Mark only one square.)*

Question 30 <i>(Primary Gender)</i>	Question 31 <i>(Primary Gender)</i>	Question 32 <i>(Primary Gender)</i>
<input type="checkbox"/> Male	<input type="checkbox"/> Male	<input type="checkbox"/> Male
<input type="checkbox"/> Female	<input type="checkbox"/> Female	<input type="checkbox"/> Female

**34.** What are the main delivery vehicles used by the persons found to move cash/negotiable instruments through your borders?

*(Tick all that apply.)*

Boat

Plane

Cars

Mail

Other (Please Specify):

**35.** What is the predominant port used by persons in the transportation of cash/negotiable instruments to and from your country?

*(Tick all that apply.)*

Air

Sea

Land

**36.a.** How many males and females have been detained, prosecuted and convicted for each of the following years: 2011, 2012, 2013, 2014 & 2015?

Years	Males			Females		
	Detained	Prosecutions	Convictions	Detained	Prosecutions	Convictions
2011						
2012						
2013						
2014						
2015						

### Information Sharing & Cooperation

**38.** Are there mechanisms in place that allow for the sharing of information domestically among law enforcement and intelligence agencies with respect to the seizure of cash/negotiable instruments?

*(Mark only one square.)*

Yes

No

**39.** Are there laws in place in your jurisdiction that allow for the sharing of information internationally with other law enforcement agencies?

*(Mark only one square.)*

Yes

No

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**40.** Is there a need for an MOU or bi-lateral or multi-lateral agreement between your jurisdiction and another jurisdiction before information can be shared?

*(Mark only one square.)*

Yes

No

**40.a.** If yes, what mechanism (s) is/are used?

*(Tick all that apply.)*

MOUs

Letter of Exchange

MLATs

FIU to FIU Requests

Egmont Requests

Interpol

Administrative

Law Enforcement to Law Enforcement

Informal

National Task Force

Other (Please Specify):

**40.b.** Currently, are there any Memorandums of Understanding (MOUs) or similar mechanisms that have already been signed with countries to facilitate information sharing?

*(Tick all that apply.)*

Yes

No

### National Strategies & Challenges

**41.** What measures (institutional, legislative, administrative etc.) have been put in place to address the influx of or issues pertaining to the illicit movement of cash/negotiable instruments in your jurisdiction?

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**42.** What are some of the challenges faced by your jurisdiction in implementing the policies with respect to the illicit movement of cash/negotiable instruments?

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**43.** Are there any domestic factors that impact your cases on illicit movement of cash/negotiable instruments?

*(Mark only one square.)*

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Yes

No

**43. a.** If yes, please explain.

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**44.** Are there any regional factors that impact your cases on the illicit movement of cash/negotiable instruments?

*(Mark only one square.)*

Yes

No

**44.a.** If yes, please explain.

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45. Are there any international factors that impact your cases on the illicit movement of cash/negotiable instruments?

*(Mark only one square.)*

Yes

No

45.a. If yes, please explain.

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**Miscellaneous**

46. Please provide any additional information you wish to submit with respect to the captioned topic.

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